

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION AT WORCESTER

MICHAEL DAWE,	:	No. 04-40192-FDS
Plaintiff	:	
	:	
v.	:	
	:	
CAPITAL ONE BANK,	:	
Defendants	:	

Joint Motion for Extension of Discovery Cutoff

Pursuant to Federal Rules of Civil Procedure 16 and Local Rule 16.1, the parties respectfully move for modification of the current scheduling order. The parties agree that this case turns upon a narrow legal issue, i.e. whether the state court's judgment extinguished a debt allegedly owed by Plaintiff to Defendant. Defendant intends to file a motion for summary judgment on this narrow issue. To facilitate the filing of this motion, the parties have agreed to stipulate -- for purposes of the motion only -- that Plaintiff owed the alleged debt to Defendant.

The parties are hopeful that this case will resolve once the Court decides the narrow issue. The parties request that they be given until December 30, 2005, to complete briefing on Defendant's motion for summary judgment. After the Court decides Defendant's motion, a scheduling conference can be held to determine whether

discovery is needed and, if so, set appropriate deadlines for discovery, dispositive motions, and a pretrial conference. The pretrial conference currently set for March 30, 2006, would be postponed. This is the first request for modification of the deadlines in this case.

Respectfully submitted,

Capital One Bank
by its attorney

/s/ Jason David Fregeau
Jason David Fregeau,
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Certificate of Service
I certify that a copy of the foregoing Joint Motion for Extension of Discovery Cutoff has been served by electronic means upon Defendant's counsel at 47 Church St., Ste 301, Wellesly, MA 02482-6326;

Plaintiff's counsel, Jason David Fregeau, 47 Lincoln Road,
Longmeadow, MA 01106;
this 19th day of October, 2005.

/s/ Jason David Fregeau

Jason David Fregeau, Esq.